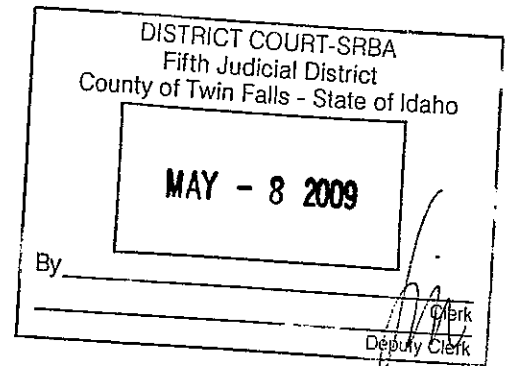


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DEPARTMENT OF
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) ORDER SETTING ASIDE PARTIAL
) DECREES and ORDER OF
) RECOMMITMENT
)
)
) For water rights: 74-179C (Stokes), 74-
) 179D (Eagle Valley Ranch), 74-180B
) (Stokes), 74-4006 (Stokes), 74-15520
) (Stokes), 74-15521 (Eagle Valley Ranch)

Partial Decrees were filed for the above-captioned water rights on July 9, 2007. On July 22, 2008, the Court received correspondence Boyd Stokes, seeking to set aside the *Partial Decrees* in subcases 74-179C, 74-180B, and 74-4006. The Court then entered an *Order of Reference Appointing Special Master Terrence A. Dolan*, referring the matter to Special Master Dolan to determine if the *Partial Decrees* should indeed be set aside.

Hearings were held in this matter before the Special Master on August 28, 2008, September 25, 2008, and March 12, 2009. IDWR submitted a *Supplemental Director's Report Regarding Subcase No. 74-179C, -179D, -180B, -4006, 15520, and 15521* on October 27, 2008, recommending that the *Partial Decrees* for the above-captioned water rights be set aside.

On March 26, 2009, Special Master Dolan issued a *Special Master's Report and Recommendation*, recommending that the above-captioned water rights be set aside and that the matter be referred back to the Special Master to determine how the above-captioned water rights should be amended.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

On April 1, 2009, the Court received correspondence from Malinda Tracy which was apparently not served on other parties. Said correspondence is attached hereto. The issues raised in the correspondence can be addressed in conjunction with the proceedings before the Special Master regarding the amendment of the above-captioned rights.

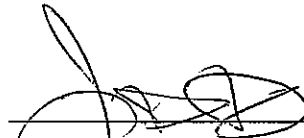
THEREFORE IT IS ORDERED that the *Partial Decrees* previously issued July 9, 2007 for water rights 74-179C, 74-179D, 74-180B, 74-4006, 74-15520, and 74-15521 are hereby **set aside** and shall not be confirmed in any final unified decree in SRBA Case No. 39576 in whatever form that decree may otherwise take or be styled.

IT IS FURTHER ORDERED that this matter is **recommitted** to Special Master Terrence A. Dolan to determine how the *Partial Decrees* should be amended.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated: May 8, 2009



John M. Melanson
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREES AND ORDER OF RECOMMITMENT was mailed on
May 08, 2009, with sufficient first-class postage to the following:

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ORDER

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Deputy Clerk

